

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Russell et al. Attorney Docket No: APPL0002
Serial No: 09/991,127 Group Art Unit: 2153
Filed: November 14, 2001 Examiner: Strange, Aaron N.
Title: METHOD AND SYSTEM FOR MONITORING THE PERFORMANCE OF A
DISTRIBUTED APPLICATION

FOR ELECTRONIC FILING

PRELIMINARY AMENDMENT TRANSMITTAL LETTER &
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Bellevue, Washington 98004

April 25, 2006

TO THE COMMISSIONER FOR PATENTS:

A. Preliminary Amendment Transmittal

Transmitted herewith is a preliminary amendment in the above-identified patent application.
No additional claim fee is required, as shown below.

B. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

C. Response Previously Submitted with a Request For Continued Examination (RCE)

The preliminary amendment transmitted herewith was previously submitted with a Request for Continued Examination (RCE) on November 25, 2005. At that time, the required fee of \$395 was paid by check No. 8642. Accordingly, there is no further fee due.

<u>Computation of Fee For Claims as Amended</u>					
	<u>Claims Remaining after Amendment</u>	<u>Highest Number Previously Paid For</u>	<u>Present Extra</u>	<u>Rate</u>	<u>Additional Fee</u>
Total Claims	56	61	-0-	x \$25	\$ -0-
Independent Claims	6	8	-0-	x \$100	-0-
TOTAL ADDITIONAL FEE FOR THIS RESPONSE					\$ <u>-0-</u>

D. Additional Fee Charges or Credit for Overpayment

Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940.

Respectfully submitted,

/ron anderson/
 Ronald M. Anderson
 Registration No. 28,829